STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BONNIE GAUS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RICHARD J. GAUS and EVIE MUNSON,

Respondents-Appellants.

UNPUBLISHED
June 17, 2008

No. 281908
Delta Circuit Court
Family Division
LC No. 07-000259-NA

Before: Zahra, P.J., and Cavanagh and Jansen, JJ.

PER CURIAM.

Respondents appeal as of right from the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). We review the trial court's determination for clear error. *Trejo, supra* at 356-357.

We find no clear error in the trial court's determination that the evidence sufficiently supported statutory grounds for termination of respondents' parental rights under subsections (c)(i), (g), and (j). Testimony at the termination trial clearly established that respondent-mother suffered from chronic mental illness that significantly inhibited her parenting ability, making her unable to provide proper and safe care for the child. Notably, the testimony overwhelmingly showed that respondent-mother experienced extreme difficulty meeting even the child's basic physical and emotional needs during their visits, despite significant effort to improve her parenting skills. Although respondent-father, for the most part, displayed adequate parenting skills, bonded, and interacted well with the child, he was unwilling to parent the child without respondent-mother. Unfortunately, testimony clearly indicated that respondents would not likely be able to successfully parent the child together. We find critical that respondent-father was not at all effective in assisting respondent-mother with parenting, could not control or direct respondent-mother's care of the child, and was unable to effectively safeguard the child from the

potential harm posed by respondent-mother's parenting deficiencies given his belief that she possessed adequate parenting skills and could safely care for the child without assistance. We find significant respondent-father's inability to recognize her serious deficiencies and limitations, which clearly demonstrated a serious lack of judgment or awareness on his part that would likely compromise the child's safety and wellbeing if she were returned to respondents' care. Testimony by respondent-mother's treating psychiatrist also tended to support this conclusion.

On this record, we agree that the testimony clearly established that respondents remained unable to provide proper and safe care or custody for the child, the condition that led to the child's removal from their home. MCL 712A.19b(3)(c)(i) and (g). Respondent-mother's poor prognosis for maintaining her mental stability, her longstanding history of chronic mental illness and substance abuse, her inability to improve her parenting skills during the proceedings, and respondent-father's inability to assist her, clearly established that she would not likely be able to attain the necessary parenting skills so that respondents could provide the child with safe and proper care within a reasonable time, especially considering the child's very young age (she was only nine months at the time of the termination trial). MCL 712A.19b(3)(c)(i) and (g). Respondent-father's failure to recognize respondent-mother's serious parenting deficiencies or to effectively assist her with parenting the child, also clearly established that there was a reasonable likelihood of harm to the child if she were returned to respondents' home. MCL 712A.19b(3)(j).

Respondents also argue that termination was clearly against the child's best interests because she would not be guaranteed knowledge of her Native American heritage and/or her status as a descendant of the Potawatomi tribe.[1] Respondents correctly assert that, as a tribal descendant, the child would be eligible for housing, medical, and educational assistance. However, adoption would not compromise the child's ability to take advantage of these benefits and/or nurture the connection to her heritage because adoptive parents would be informed of her heritage and the benefits available to her. We, therefore, fail to find that the child's Native American heritage "clearly overwhelmed," *Trejo, supra* at 364, respondent-mother's obvious inability to provide proper and safe care for the child and respondent-father's inability to adequately safeguard the child from potential harm. Accordingly, we find no clear error in the trial court's best interests determination. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

/s/ Brian K. Zahra
/s/ Mark J. Cavanagh
/s/ Kathleen Jansen

[1] The child was not eligible for membership in the tribe, but, at the time of the termination trial, she was expected to be declared a descendant of the tribe.